

Remarks/Arguments

Claims 1-28 and 30-31 are pending in the current application. Claims 1 and 28 are the independent claims.

Claim Objections

With respect to Claim 9, Applicant has taken out the term “transient individual space level” in all locations of Claim 9.

With respect to Claim 27, Applicant disagrees that the claim is indefinite, but has removed the first “or” in order to expedite allowance of the claims.

Claim Rejections

Applicant notes that with respect to the Examiner’s April 2, 2009 Office Action, Applicant disagrees that Claims 1-5, 7, 9, 11, 17, 25 and 29 were anticipated by Lawrence R. Weatherford et al. In addition, Applicant disagrees that Claims 6, 13 and 28 were unpatentable over Lawrence R. Weatherford et al. and Menninger. Furthermore, Applicant disagrees that Claims 15, 17, 19 and 27 were unpatentable over Lawrence R. Weatherford et al. in view of Bitran et al. Additionally, Applicant disagrees that Claim 21 was unpatentable over Lawrence R. Weatherford et al. in view of Takagi et al. Applicant also disagrees that Claim 23 was unpatentable over Lawrence R. Weatherford et al. in view of Tromezynski et al. However, in order to expedite allowance of the claims, Applicant amended the claims in the response filed on October 1, 2009.

With respect to the most recent office action dated January 21, 2010, the Examiner rejected Claims 1-5, 7, 9, 11, 17, 25, 28 and 30 under 35 USC 103(a) as being unpatentable over Lawrence R. Weatherford et al. in view of Gliootti et al. Applicant disagrees. However, in order to expedite allowance of the claims, Applicant has rewritten Claim 1 to include the limitation of determining at least one potential past optimum yield." Gliootti et al. describes a system for accepting or rejecting requests for aircraft capacity as bookings arrive one by one. Although Gliootti et al. takes into account historical scenarios, Gliootti et al. determines the revenue that can be obtained from a given capacity offered by each cargo flight. (See, e.g., Gliootti et al., Col. 1, line 67 – Col. 2, line 22 and Col. 3, lines 44-56.) In contrast, Claim 1 claims determining the revenue that could have been obtained in order to measure the past performance of a reservation system. Thus, Applicant submits that **Claim 1 is allowable.**

Claim 28 has limitations similar to Claim 1 and should be allowable for the same reasons. Claims 2-27 and 30-31 depend on Claim 1 or Claim 28 and thus should also be allowable.

Application No. 10/770,502
Final Office Action dated January 21, 2010
Amendment dated April 21, 2010

The application has been amended to place the application in better condition for allowance. All amendments are supported by the specification. An early notice of allowance is earnestly solicited.

Please charge any shortage in the fees or credit any overpayment to Deposit Account No. 50-3266.

Respectfully submitted,

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